

VIRGINIA:

IN THE BEDFORD GENERAL DISTRICT COURT

CHARLENA MARIE BLAKEY,

PLAINTIFF,

v.

WESLEY THOMAS GILLESPIE

DEFENDANT.

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Case No.: GV16000786-00

**DEFENDANT WESLEY THOMAS GILLESPIE'S
MOTION FOR BILL OF PARTICULARS**

Defendant, WESLEY THOMAS GILLESPIE, by undersigned counsel, hereby moves this Court to compel plaintiff, CHARLENA MARIE BLAKEY, to file a Bill of Particulars articulating the alleged basis for her claim for negligent infliction of emotional distress, stating in support as follows:

1. Plaintiff has asserted a claim for “[n]egligent infliction of emotional distress on January 11, 2016 at Lynchburg General Hospital.” *See* Warrant in Debt. Those are the only details provided to Mr. Gillespie and they are wholly insufficient to set forth a valid claim for negligent infliction of emotional distress. Such a claim has very strict pleading and proof requirements. *Delk v. Columbia/HCA Healthcare Corp.*, 259 Va. 125, 137 (2000). Mr. Gillespie requests a Bill of Particulars to allow him to make a legal and factual assessment of the claim against him.

2. A Bill of Particulars is required at this time and cannot wait to be ordered until the scheduled return date of August 11, 2016. Mr. Gillespie needs to be able to legally and factually assess the claim now because, immediately upon filing her Warrant in Debt, Ms. Blakey, through

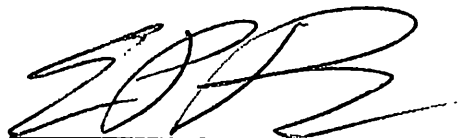
counsel, issued three subpoenas seeking a massive amount and wide variety of information. The subpoenas were sent to the Lynchburg Police Department, Horizon Behavioral Health and Centra Health, Inc. The scope of the subpoenas is so broad that they appear to reach far beyond the threshold of permissible discovery on a negligent infliction of emotional distress claim. This is especially true of an unarticulated claim like Ms. Blakey's. Mr. Gillespie and the third party subpoena recipients have an interest in determining whether or not Ms. Blakey is entitled to the information she seeks and that determination would be greatly assisted by an order that Ms. Blakey serve a Bill of Particulars setting forth the specifics of her claim.

3. An additional concern raised by the subpoenas and another reason a Bill of Particulars for Ms. Blakey's claim is necessary, is that the subpoenas appear to be an attempt to obtain access to information to support a claim against Mr. Gillespie and others by Mr. Jonathan Warner and not Ms. Blakey. Mr. M. Paul Valois, Esquire, Ms. Blakey's attorney, also represents Mr. Warner. On behalf of Mr. Warner, he has asserted claims against various entities allegedly related to an incident at Lynchburg General Hospital on January 11, 2016 allegedly involving Mr. Warner and Mr. Gillespie. Many of the categories of information sought in Ms. Blakey's subpoena relate to Mr. Warner. Absent an articulation of Ms. Blakey's claim, it is difficult to determine if these are materials that might also be relevant to her claim or are simply an effort to collect information to support Mr. Warner's claim. For these reasons as well, Mr. Gillespie requests that this Court order that Ms. Blakey file and serve a Bill of Particulars setting forth her claim against Mr. Gillespie.

WHEREFORE, for the foregoing reasons and those that may be urged upon the Court at argument hereon, Mr. Gillespie respectfully requests and order of this Court directing Ms. Blakey to file and serve a Bill of Particulars by a date certain.

WESLEY T. GILLESPIE
By Counsel:

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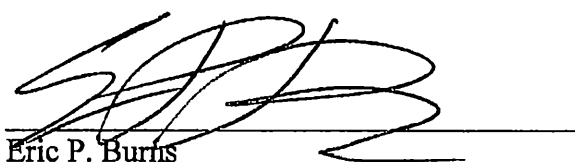
(703) 245-9301 (Facsimile)

Counsel for Wesley T. Gillespie

CERTIFICATE OF SERVICE

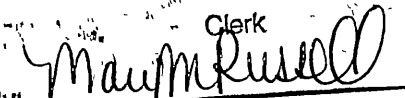
I hereby certify that a true and accurate copy of the foregoing was served this 25th day of May by facsimile and First Class U.S. Mail, postage prepaid, upon:

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(434) 845-8536 (Facsimile)
Counsel for Plaintiff


Eric P. Burns

CERTIFICATE PURSUANT TO VIRGINIA CODE SECTION 8.01-391-B

This is to certify that I am the legal custodian of the foregoing record and further that this is a true and authentic copy of the original record.

Clerk
By: 
Deputy Clerk